

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 919 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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LABHUBHAI MADHUBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

THROUGH JAIL for Petitioner

MR SK PATEL for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/10/1999

ORAL JUDGEMENT

#. Rule. Mr.S.K.Patel waives service of Rule on behalf of respondents.

#. Heard the learned counsel for the respondents and perused the papers of the Special Criminal Application.

#. From the record of this case, I find that from time

to time, the petitioner has been granted parole or furlough leave. Lastly, he enjoyed parole leave for the period from 18th October 1998 to 30th October 1998 and furlough leave for the period from 25th May 1999 to 8th June 1999. Now he is praying for 20 days' parole leave on the ground of death of his aunt. It is not right of the prisoner and no legal obligation to the competent authority where on his application, parole leave has to be granted. It depends on facts of each case and in this case it is not granted, no exception can be taken to the same. Moreover, the competent authority has reported that police report is adverse to the petitioner. Be that as it may, for death of aunt, the prayer made for parole leave for 20 days is difficult to appreciate. In the family other members would have been there to take care of the rituals to be observed and for which the petitioner's presence is not necessary. As said earlier, the petitioner is taking parole leaves for one or the other ground and it appears to be a ground to take himself out of the prison. Truth in the application otherwise also is doubtful when he is praying for 20 days' parole leave.

#. Taking into consideration the totality of the facts of the case, I do not find any ground to interfere in the matter and release the petitioner on parole leave. The Special Criminal Application is dismissed. Rule discharged.

(S.K.Keshote, J.)

(sunil)